KAZMAREK MOWREY CLOUD LASETER LLP
ENVIRONMENTAL & ENERGY LAW

Shelly Jacobs Ellerhorst
1230 Peachtree Street, N.E.
Suite 3600
Atlanta, Georgia 30309
404-333-0748
sellerhorst@kmcllaw.com

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VIA: UPS OVERNIGHT and EMAIL (kaiser.steven@epa.gov)

Mr. Steven Kaiser (C-14J)
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Re: Clark Equipment Company's Response to EPA's Request for Information Pursuant to Section 104(e) of CERCLA ("Request for Information") for the U.S. Smelter and Lead Refinery, Inc. Superfund Site, East Chicago, Indiana (the "Site")

Dear Mr. Kaiser:

We are counsel to Clark Equipment Company ("Clark") with respect to the Site. Enclosed please find Clark's response to EPA's Request for Information and executed Declaration. If you have any questions, please do not hesitate to contact me.

Best regards,

Sincerely,

Shelly Jacobs Ellerhorst

CLARK EQUIPMENT COMPANY'S RESPONSE TO EPA's SECTION 104(e) REQUEST FOR INFORMATION RELATING TO THE U.S. SMELTER AND LEAD REFINERY, INC. SUPERFUND SITE

Clark Equipment Company ("Clark") responds to the Request for Information Pursuant to Section 104 of CERCLA for the U.S. Smelter and Lead Refinery, Inc. Superfund Site, East Chicago, Indiana (the "Site") (dated June 15, 2017, and received June 19, 2017) (the "Information Request") as follows:

GENERAL OBJECTIONS AND STATEMENTS OF LIMITATION

1. Clark objects to each request for information to the extent that the request exceeds the scope of permissible information gathering and access under CERCLA § 104(e), 42 U.S.C. § 9604(e). Section 104(e)(2) specifies three, and only three, distinct categories of information EPA may request of any person, and Clark objects to the Information Request because it exceeds that statutory authorization.

2. Clark objects to each request for information to the extent that the request seeks information concerning entities other than Clark, because Clark does not have knowledge or information sufficient to form a reliable response to such inquiries.

3. Clark objects to each request for information to the extent that the request seeks a response that is protected by any privilege or immunity, including but not limited to the attorney-client privilege and the attorney work-product doctrine.

4. Clark objects to each request for information to the extent that the Site is ambiguously described, including, but not limited to, whether the Information Request is limited to the Blaw-Knox Property (Operable Unit 1 of Zone 1 of the Site), or whether the Information Request intends to cover the entire Site.

5. Clark objects to each request for information to the extent that the request seeks information unrelated to the investigation and release of hazardous substances, pollutants, or contaminants at the Site.

6. Clark objects to each request for information to the extent that the request requires Clark to provide information or documents already in EPA's possession or that may be obtained by EPA from another source that is more convenient, less expensive, or less burdensome, including through the state or local regulatory agency or the county recorder's office.

7. Clark objects to each request for information to the extent that the request requires Clark to review or analyze documents to obtain information not specifically known by Clark's officers, agents, or employees. Clark's review to determine the existence of any responsive documents and information is limited to documents and information within

Clark's custody or control. To the extent Clark reviewed publicly available information to respond to any Information Request, Clark denies that it was required to do so.

8. Clark objects to each request for information to the extent that the request requires Clark to identify and produce each document that is responsive to each individual request, because such a requirement is unduly burdensome and not required by law.

9. Clark objects to each request for information to the extent that the request purports to require investigation and review of documents from any person or entity whose role in matters related to the Information Request was and is purely ministerial or insubstantial, or who is not employed by or under contract with Clark. Such requests are unduly burdensome, overly broad, and vague.

10. Clark objects to the "Instructions" and "Definitions" because they are overbroad and unduly burdensome. Clark also objects to the "Instructions" and "Definitions" to the extent that they purport to impose duties on Clark beyond those contained in CERCLA § 104(e).

11. Clark objects to each request for information to the extent that it is framed so as to imply or assert that Clark is liable for any or all conditions associated with the Site, which liability Clark expressly denies. By responding to the Information Request, Clark is not admitting any liability of any kind. To the extent any information provided by Clark may mention or relate to other companies, including, without limitation, parents, affiliates, or subsidiaries, the provision of that information is not a concession or admission of any liability on the part of Clark or any such other company, and any such liability is expressly denied.

12. As a qualification to the following responses, Clark notes that many of the events surrounding the Site occurred forty-seven or more years ago. Therefore, neither Clark nor any of its employees, agents or other representatives has any personal knowledge of the Site or the Blaw-Knox Property.

Subject to the foregoing General Objections and Statements of Limitation, and without waiving any objection, Clark responds herein to the Information Request based on information that it possesses at this time, a review to determine the existence of responsive documents, if any, consistent with the limitations stated herein and within its custody at this time, and those documents, if any, that were located after a reasonable search of its records. Clark reserves the right to supplement any response with additional information if it becomes available.

RESPONSES TO INFORMATION REQUEST QUESTIONS

1. Identify all persons who assisted in responding to this Information Request.

Clark objects to this request to the extent that the request is unduly burdensome, is not sufficiently definite or specific, and/or is not reasonably relevant to the United States Environmental Protection Agency's (EPA's) basic inquiry concerning the Site. Subject to these objections and the General Objections and Statements of Limitations, and without waiving the same, Clark responds that in-house counsel with knowledge regarding relevant corporate history and outside counsel participated in preparing Clark's responses.

2. Identify all assets and liabilities you acquired or assumed in 1994 from AB Electrolux or its subsidiaries. Provide a copy of the documents that comprised the agreement to transfer the Blaw-Knox Construction Equipment Company or any related assets or interests to Clark Equipment Company. State whether the Clark Equipment Company acquired the stock of the Blaw-Knox Construction Equipment Company or whether the transaction was an asset purchase. State whether the Clark Equipment Company or any of its subsidiary companies hold or held title to either the Blaw-Knox Foundry or Blaw-Knox Property.

Clark objects to this request because it seeks information outside Clark's possession or control, seeks information beyond the scope of information authorized under CERCLA § 104(e), and seeks information or documents that may be obtained by EPA from another source that is more convenient, less expensive, or less burdensome, including through a state or local regulatory agency. Subject to these objections and the General Objections and Statements of Limitations, and without waiving the same, Clark responds as follows:

Clark does not possess any of the 1994 transaction documents between AB Electrolux and Clark Equipment Company. Upon review of publicly available information and belief, on April 20, 1994, Clark acquired the capital stock of Blaw-Knox Construction Equipment Corporation located in Mattoon, Illinois. As further explained below in response to Request 3, since at least 2007 when Ingersoll-Rand sold Blaw-Knox Construction Equipment Company to AB Volvo, Clark has not held title to either Blaw-Knox Foundry or Blaw-Knox Property. Clark does not know whether it held title to either Blaw-Knox Foundry or Blaw-Knox Property prior to the 2007 sale.

3. Describe the corporate relationship that existed or currently exists between Clark Equipment Company and the Blaw-Knox Construction Equipment Company.

Clark objects to this request to the extent that the request is unduly burdensome, is not sufficiently definite or specific, and/or is not reasonably relevant to EPA's basic inquiry concerning the Site. Subject to this objection and the General Objections and Statements of Limitations, and without waiving the same, Clark responds as follows:

No relationship currently exists between Clark and Blaw-Knox Construction Equipment Company. Upon review of publicly available information and belief, Clark purchased Blaw-Knox Construction Equipment Company in 1994. In 1995, Ingersoll-Rand acquired Clark and at some point thereafter operated Blaw-Knox Construction Equipment Company as part of its Road Development Business Unit which Ingersoll-Rand operated separately from Clark. On February 27, 2007, AB Volvo announced that it would be purchasing Ingersoll-Rand's Road Development Business Unit, including Blaw-Knox Construction Equipment Company, for approximately $1.3 billion. Nine months later, on November 30, 2007, Ingersoll-Rand sold Clark and other assets to Doosan Infracore Co., Ltd ("Doosan"). As part of the Doosan transaction, Ingersoll-Rand retained liability for, among other items, businesses which were not part of the Clark sale (*i.e.*, liabilities not associated with Bobcat Company and what is now known as the Doosan Portable Power business).

4. Identify the state in which Blaw-Knox Construction Equipment Company was incorporated and provide a copy of the Articles of Incorporation.

Clark objects to this request because it seeks information outside Clark's possession or control, seeks information beyond the scope of information authorized under CERCLA § 104(e), and seeks information or documents that may be obtained by EPA from another source that is more convenient, less expensive, or less burdensome, including through a state or local regulatory agency. Subject to these objections and the General Objections and Statements of Limitations, and without waiving the same, Clark responds as follows:

Clark is unaware of the state in which Blaw-Knox Construction Equipment Company was incorporated nor does it have a copy of the Articles of Incorporation for Blaw-Knox Construction Equipment Company.

5. Identify any and all predecessors in interest to the Blaw-Knox Construction Equipment Company. State whether any predecessors in interest to the Blaw-Knox Construction Equipment Company owned or operated facilities at either the Blaw-Knox Foundry or Blaw-Knox Property.

Clark objects to this request because it seeks information outside Clark's possession or control, seeks information beyond the scope of information authorized under CERCLA § 104(e), and seeks information or documents that may be obtained by EPA from another source that is more convenient, less expensive, or less burdensome, including through a state or local regulatory agency. Subject to these objections and the General Objections and Statements of Limitations, and without waiving the same, Clark responds as follows:

Clark is unaware of any predecessors in interest to the Blaw-Knox Construction Equipment Company nor is it aware of whether predecessors in interest, if any, owned or operated facilities at either the Blaw-Knox Foundry or Blaw-Knox Property.

6. **Did the Blaw-Knox Construction Equipment Company operate at any time under another name? Did the Blaw-Knox Construction Equipment Company acquire its current name through a formal change of name procedure under the laws of the state in which it was incorporated?**

Clark incorporates by reference the objections and responses set forth in response to Question 3 including that Blaw-Knox operated as part of Ingersoll-Rand's Road Development Business Unit before it was sold to AB Volvo in 2007.

7. **If you determine that the Blaw-Knox Construction Equipment Company or its predecessor(s)-in-interest operated a facility within the boundaries of the Blaw-Knox Property, then describe the nature of the operations, the products made, the processes used to make the products, the type and volume on an annual basis of air emissions, the waste streams generated, and the practices at each facility for disposing of each stream of solid and/or hazardous waste.**

Clark incorporates by reference the objections and responses set forth in response to Question 5 including that Clark is unaware of any predecessors in interest to the Blaw-Knox Construction Equipment Company nor is it aware of whether predecessors in interest, if any, owned or operated facilities at either the Blaw-Knox Foundry or Blaw-Knox Property. As a result, Clark cannot describe the nature of the operations, the products made, the processes used to make the products, the type and volume on an annual basis of air emissions, the waste streams generated, and the practices at each facility for disposing of each stream of solid and/or hazardous wastes, if any.

8. **Provide an index of any records in your possession that pertain to operations of the Blaw-Knox Construction Equipment Company or its predecessor(s)-in-interest at the Blaw-Knox Property. If you identify any such records, please:**

Clark objects to this request because it seeks information outside Clark's possession or control, seeks information beyond the scope of information authorized under CERCLA § 104(e), and seeks information or documents that may be obtained by EPA from another source that is more convenient, less expensive, or less burdensome, including through a state or local regulatory agency. Subject to these objections and the General Objections and Statements of Limitations, and without waiving the same, Clark responds as follows:

Clark does not have any records in its possession that pertain to operations of the Blaw-Knox Construction Equipment Company or its predecessor(s)-in-interest, if any, at the Blaw-Knox Property.

a. **Identify the nature and duration of the operations; include a description of the products made, the processes used to make the products, the waste streams generated, the type and volume (on an annual basis) of air emissions generated by operations, and the practices for disposing of each stream of solid and/or hazardous waste.**

N/A

b. **Describe the manner in which the facility was decommissioned. Include in the description a summary of efforts, if any, to identify whether soils at the facility had become contaminated with lead, arsenic and any other hazardous substance and efforts, if any, to systematically cover in place or remove from the Blaw-Knox Property sold that contained lead, arsenic or any other hazardous substances.**

N/A

9. **Identify all assets and liabilities of the Blaw-Knox Construction Equipment Company that were separately transferred to Ingersoll-Rand outside of Ingersoll-Rand's 1995 acquisition of Clark Equipment Company. Provide a copy of the documents that comprised the agreement to transfer any Blaw-Knox Construction Equipment Company assets or liabilities to Ingersoll-Rand.**

Clark objects to this request because it seeks information outside Clark's possession or control, seeks information beyond the scope of information authorized under CERCLA § 104(e), and seeks information or documents that may be obtained by EPA from another source that is more convenient, less expensive, or less burdensome, including through a state or local regulatory agency. Subject to these objections and the General Objections and Statements of Limitations, and without waiving the same, Clark responds as follows:

Clark is unaware of any assets and liabilities of the Blaw-Knox Construction Equipment Company that were separately transferred to Ingersoll-Rand outside of Ingersoll-Rand's 1995 acquisition of Clark Equipment Company. Similarly, Clark does not have copies of the documents that comprised the agreement to transfer any Blaw-Knox Construction Equipment Company assets or liabilities to Ingersoll-Rand.

10. **Identify any pollution control permits in your records issued to the Blaw-Knox Foundry or any related entity, under the Clean Air Act, Clean Water Act, Resources Conservation Act, their state law corollaries, and similar predecessor laws.**

Clark objects to this request because it seeks information outside Clark's possession or control, seeks information beyond the scope of information authorized under CERCLA § 104(e), and seeks information or documents that may be obtained by EPA from another source that is more convenient, less expensive, or less burdensome, including through a state

or local regulatory agency. Subject to these objections and the General Objections and Statements of Limitations, and without waiving the same, Clark responds as follows:

Clark does not have any records in its possession that relate to pollution control permits issued to the Blaw-Knox Foundry or any related entity, under the Clean Air Act, Clean Water Act, Resources Conservation Act, their state law corollaries, and similar predecessor laws.

Enclosure D
Information Request
U.S. Smelter and Lead Refinery, Inc. Superfund Site

DECLARATION

I declare under penalty of perjury that I am authorized to respond on behalf of the Respondent and that the foregoing is complete, true, and correct.

Executed on July 17, 2017.

James M. Plasynski
Signature

James M. Plasynski
Type or Print Name

Assistant General Counsel
Title